

House Study Bill 70

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON VAN ENGELENHOVEN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to motor vehicle parking violations, and
2 providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1940HC 80
5 jm/sh/8

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1 1 Section 1. Section 321.236, subsection 1, paragraph a,
1 2 Code 2003, is amended to read as follows:
1 3 a. May be charged and collected upon a simple notice of a
1 4 fine payable to the city clerk or clerk of the district court,
1 5 if authorized by ordinance. The fine ~~shall not exceed five~~
~~1 6 dollars except for snow route parking violations in which case~~
~~1 7 the fine shall not exceed twenty-five dollars for each~~
~~1 8 violation charged under a simple notice of a fine shall be~~
~~1 9 established by ordinance.~~ The fine may be increased up to ten
1 10 by five dollars if the parking violation is not paid within
1 11 thirty days of the date upon which the violation occurred, if
1 12 authorized by ordinance. Violations of section 321L.4,
1 13 subsection 2, may be charged and collected upon a simple
1 14 notice of a one hundred dollar fine payable to the city clerk
1 15 or clerk of the district court, if authorized by ordinance.
1 16 No costs or other charges shall be assessed. All fines
1 17 collected by a city pursuant to this paragraph shall be
1 18 retained by the city and all fines collected by a county
1 19 pursuant to this paragraph shall be retained by the county.
1 20 Sec. 2. Section 805.8A, subsection 1, paragraph a, Code
1 21 2003, is amended to read as follows:
1 22 a. For parking violations under sections 321.236, 321.239,
1 23 321.358, 321.360, and 321.361, the scheduled fine is five
1 24 dollars, ~~except if the local authority has established the~~
~~1 25 fine by ordinance pursuant to section 321.236, subsection 1.~~
1 26 The scheduled fine for a parking violation ~~of pursuant to~~
1 27 section 321.236 increases in an amount up to ten by five
1 28 dollars, as authorized by ordinance pursuant to section
1 29 321.236, subsection 1, ~~paragraph "a"~~, if the parking violation
1 30 is not paid within thirty days of the date upon which the
1 31 violation occurred. For purposes of calculating the unsecured
1 32 appearance bond required under section 805.6, the scheduled
1 33 fine shall be five dollars, ~~or if the amount of the fine is~~
~~1 34 greater than five dollars the unsecured appearance bond shall~~
~~1 35 be the amount of the fine established by the local authority~~
~~2 1 pursuant to section 321.236, subsection 1.~~ However,
2 2 violations charged by a city or county upon simple notice of a
2 3 fine instead of a uniform citation and complaint as permitted
2 4 by section 321.236, subsection 1, paragraph "a", are not
2 5 scheduled violations, and this section shall not apply to any
2 6 offense charged in that manner. For a parking violation under
2 7 section 321.362 or 461A.38, the scheduled fine is ten dollars.

EXPLANATION

2 9 This bill relates to motor vehicle parking violations.
2 10 The bill provides that a local authority may establish the
2 11 parking violation fine for each violation that occurs.
2 12 Current law establishes the maximum parking fine at \$5.
2 13 The bill provides that if a parking violation is not paid
2 14 within 30 days, the fine amount increases by \$5. Under
2 15 current law the fine amount increases by \$10.
2 16 The bill equalizes the amount of an unsecured appearance
2 17 bond for a parking violation to the amount of the parking
2 18 violation fine established by the local authority. An
2 19 unsecured appearance bond permits the court to enter a
2 20 conviction and render judgment against the defendant for the
2 21 amount of the bond in satisfaction of the penalty plus court
2 22 costs, if the defendant fails to appear in court for trial.

2 23 LSB 1940HC 80

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